

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT HAITH, derivatively on behalf of
ACCRETIVE HEALTH, INC.,

Plaintiff,

vs.

EDGAR M. BRONFMAN, JR., J. MICHAEL
CLINE, STEVEN N. KAPLAN, STANLEY
N. LOGAN, DENIS J. NAYDEN, ARTHUR
H. SPIEGEL, III, MARY A. TOLAN, JOHN
T. STATON, AND MARK A. WOLFSON,

Defendants,

and

ACCRETIVE HEALTH, INC.,

Nominal Defendant.

Case No. 1:12-cv-06781
Judge: Amy J. St. Eve

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER
THE COMPLAINT OR OTHERWISE PLEAD AND TO ADJOURN SCHEDULE**

Defendants Edgar M. Bronfman, Jr., J. Michael Cline, Steven N. Kaplan, Stanley N. Logan, Denis J. Nayden, Arthur H. Spiegel, III, Mary A. Tolan, John T. Staton, and Mark A. Wolfson (“Individual Defendants”), and Nominal Defendant Accretive Health, Inc. (“Accretive” or the “Company,” and with Individual Defendants, “Defendants”) by and through their attorneys, hereby respectfully move for the entry of an order granting Defendants an extension of time to answer the complaint or otherwise plead until after resolution of Plaintiff’s anticipated motion to remand (at which time the parties will work in good faith to set a mutually agreeable

schedule) and to adjourn the schedule entered by this Court on August 27, 2012. The parties have conferred and Plaintiff has agreed to this Motion.

1. On July 23, 2012, Plaintiff filed a complaint captioned *Haith v. Bronfman et al.*, Case No. 12-CH-27968, a purported shareholder derivative lawsuit against the Individual Defendants, in the Circuit Court of Cook County, Illinois, Chancery Division.

2. On July 24, 2012, Plaintiff served Accretive with a copy of the summons and complaint.

3. On August 21, 2012, Plaintiff served on Defendant Stanley N. Logan a copy of the summons and complaint filed on July 23, 2012.

4. Defendants have agreed to waive service of the summons and complaint in the above-captioned litigation for the remaining Individual Defendants. Plaintiff and Defendants (the “Parties”) further agree that Accretive shall be deemed to have been served with the summons and complaint in the above-captioned litigation as of July 24, 2012, and that the Individual Defendants shall be deemed to have been served with the summons and complaint in the above-captioned litigation as of August 21, 2012.

5. On August 23, 2012, Accretive removed this case to the Northern District of Illinois by filing a removal petition.

6. Under Federal Rule of Civil Procedure 81(c), Accretive is required to answer or otherwise plead seven days after removal. Accretive would be required to file its answer or other responsive pleading by Thursday, August 30, 2012.

7. Counsel for Plaintiff has indicated that they intend to move to remand this case to state court.

8. On August 27, 2012, this Court scheduled an initial status hearing for September 10, 2012, with a joint status report due by September 5, 2012.

9. In light of the pending issue of remand, no purpose would be served by requiring Defendants to answer or otherwise respond to the complaint until after resolution of the remand issue. In light of the same pending issue, no purpose would be served by requiring the Parties to submit a joint status report or attend an initial status hearing.

10. Counsel for Accretive has conferred with counsel for Plaintiff, and counsel for Plaintiff does not oppose the relief requested herein.

WHEREFORE, Defendants hereby respectfully moves for the entry of an order granting them an extension of time to answer the complaint or otherwise plead until after resolution of Plaintiff's anticipated motion to remand and to vacate the schedule entered by this Court on August 27, 2012.

Dated: August 29, 2012

Respectfully submitted,

/s/ Leonid Feller

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Attorneys for All Defendants

CERTIFICATE OF SERVICE

I, Leonid Feller, an attorney, hereby certify that I filed the AGREED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD using the CM/ECF system on this 29th day of August, 2012. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Leonid Feller